

MURAKAMI et al.  
Serial No. 09/939,643  
July 31, 2003

### REMARKS

Reconsideration of this application and entry are solicited. Claims 1-10 remain pending in the application of which claims 1-8 and 10 are under active examination.

It is proposed to amend claims 1 and 10 to describe the base foam materials having an open-cell structure, a preferred aspect of the invention included in the description generally and in particular on page 9, lines 2-3. Further, the cells of the base foam material at their surface have a hardened layer of the thermoplastic substance and are in contact with the base foam material. See the paragraph bridging pages 5 and 6 of the specification related to this description. In addition, claims 1 and 10 further characterize the shaped memory foam material with regard to the manner in which it is prepared, namely that the thermoplastic substance solidifies and hardens around the cells of the foam, a structural feature of the foam. Moreover, the foam stays in its compressed state and is not released until the product is heated causing the hardened thermoplastic substance to soften. See the description found on page 13 of the specification and elsewhere.

The final rejection sets out three rejections of alleged anticipation based upon three newly cited documents. Claims 1-8 and 10 are rejected as being either anticipated by or obvious over Takahashi U.S. 6,013,362. Takahashi's description does not include a base foam material having an open cell structure with a thermoplastic substance impregnated and distributed in the base foam material. Takahashi's disclosure does not contemplate the cells of the base foam material at their surface having a hardened layer of thermoplastic substance in contact with the base foam material. In order to describe a process of impregnating a base foam material with a thermoplastic substance, heating it to a temperature in the range of 80 to 200°C and compressing the foam material at a temperature the same as or higher than the softening point of the thermoplastic substance as well as that of the softening temperature of the base foam material. The citation contains no information relating to thereafter cooling the impregnated base foam material while retaining it in a compressed state and eventually releasing pressure after cooling.

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Accordingly, claims 1-8 and 10 are neither anticipated by nor rendered obvious over the disclosures of this document.

The final rejection sets out three rejections of alleged anticipation based upon three newly cited documents. Claims 1-8 and 10 are rejected as being either anticipated by or obvious over Buese U.S. 3,728,206. Buese's description does not include a base foam material having an open cell structure with a thermoplastic substance impregnated and distributed in the base foam material. Buese's disclosure does not contemplate the cells of the base foam material at their surface having a hardened layer of thermoplastic substance in contact with the base foam material. In order to describe a process of impregnating a base foam material with a thermoplastic substance, heating it to a temperature in the range of 80 to 200°C and compressing the foam material at a temperature the same as or higher than the softening point of the thermoplastic substance as well as that of the softening temperature of the base foam material. The citation contains no information relating to thereafter cooling the impregnated base foam material while retaining it in a compressed state and eventually releasing pressure after cooling. Accordingly, claims 1-8 and 10 are neither anticipated by nor rendered obvious over the disclosures of this document.

The final rejection sets out three rejections of alleged anticipation based upon three newly cited documents. Claims 1-8 and 10 are rejected as being either anticipated by or obvious over Bogdany U.S. 5,114,773. Bogdany's description does not include a base foam material having an open cell structure with a thermoplastic substance impregnated and distributed in the base foam material. Takahashi's disclosure does not contemplate the cells of the base foam material at their surface having a hardened layer of thermoplastic substance in contact with the base foam material. In order to describe a process of impregnating a base foam material with a thermoplastic substance, heating it to a temperature in the range of 80 to 200°C and compressing the foam material at a temperature the same as or higher than the softening point of the thermoplastic substance as well as that of the softening temperature of the base foam material. The citation

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contains no information relating to thereafter cooling the impregnated base foam material while retaining it in a compressed state and eventually releasing pressure after cooling. Accordingly, claims 1-8 and 10 are neither anticipated by nor rendered obvious over the disclosures of this document.

For the above reasons it is respectfully submitted that claims 1-8 and 10 as amended define inventive subject matter and are allowable. Reconsideration of this application, entry of this amendment and favorable action are solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

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Arthur R. Crawford  
Reg. No. 25,327

ARC:pc  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100